

ADMINISTRATIVE RULES

CHAPTER 7: USE OF EMPLOYEES VS. INDEPENDENT CONTRACTORS
TO PERFORM SERVICES FOR THE COUNTY

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CHAPTER 7: USE OF EMPLOYEES VS. INDEPENDENT CONTRACTORS

TO PERFORM SERVICES FOR THE COUNTY*

Sec. 7.1 GENERALLY. It is the intent of this chapter to provide guidance to county departments as to when they should hire county employees to perform services for the county, and when they may employ independent contractors to perform such services.

Sec. 7.4 DEFINITIONS. For purposes of this chapter, the following definitions of "employee" and "independent contractor" shall apply.

(a) An employee is a person who is employed to render a service to his employer and in such service remains entirely under the employer's control and direction. Such control and direction shall mean the unqualified right to control and direct the method and mode of performing the service, including any and all details of the work to be performed.

(b) An independent contractor is one who, in rendering services, exercises an independent employment or occupation and represents his employer only as to the results of his work, not as to the means whereby it is to be accomplished.

Sec. 7.7 USE OF EMPLOYEES. Whenever the nature of the services required by a department to be performed are such that the employing authority will retain complete control and direction over their performance, as defined in Section 7.4(a), the department shall, with limited exception, hire county employees. If the services to be performed are of a limited duration, the department may employ extra help or limited term positions.

*Resolution 84-3, 8-7-84, was adopting resolution. Previous Chapter 7, relating to Professional Services Selection Procedure, was repealed by Resolution 84-300, 7-31-84

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Sec. 7.10EXCEPTIONS TO USE OF EMPLOYEES. When, under the provisions of Section 7.7, a department ordinarily would be required to hire an employee, it may contract for the services of an employee for a limited duration if the following conditions apply:

- (a)The services to be performed are of a specialized nature requiring professional expertise; and
- (b)The services to be performed are required immediately; and
- (c)An eligible list for the position in question does not currently exist; or
- (d)Classification specifications for the position in question do not exist.

Sec. 7.13APPROVAL OF COUNTY EXECUTIVE OFFICE REQUIRED. No department shall use contract employees without prior approval of the County Executive Office.

Sec. 7.16USE OF INDEPENDENT CONTRACTORS. Except in cases where departments are required by this chapter to use county employees, they may employ independent contractors to perform services for the county. Employment of such independent contractors is subject to all of the requirements of the Purchasing Policy Manual.

Sec. 7.19APPROVAL OF COUNTY COUNSEL REQUIRED FOR CONTRACTS. All contracts, whether for employees or independent contractors, shall be reviewed and approved by County Counsel before receiving final approval for signature.